

GAHC010192872024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6257/2024

SAMSUL HUSSAIN AND 90 ORS
AGED ABOUT 63 YEARS,
SON OF LT. MOFIZUDDIN AHMED, RESIDENT OF DEBERAPAR, DIST-
JORHAT
PIN-785635

2: KHELILUDDIN AHMED
AGED ABOUT 62 YEARS
SON OF KHIROTDDIN AHMED
RESIDENT OF DAHIKHOOR GOANBAHANA
DIST- JORHAT PIN- 785101

3: WAZID HUSSAIN
AGED ABOUT 60 YEARS
SON OF TAFFAZUL HUSSAIN
RESIDENT OF PRAGATI PATH KOTOKYPUKHURI
BY PASS NH-37
DIST- JORHAT

4: ASNA BEGUM
AGED ABOUT 64 YEARS
DAUGHTER OF NASIBUDDIN AHMED
RESIDENT OF NH37
LAHDOIGARH CHARALI
DIST- JORHAT

5: JULFI ARA BEGUM
AGED ABOUT 60 YEARS
DAUGHTER OF RUKUNUDDIN AHMED
RESIDENT OF KAMALA BORIAGOAN
JAIL ROAD
DIST- JORHAT

6: SAHABUDDIN AHMED

AGED ABOUT 64 YEARS
SON OF NASIBUDDIN AHMED
RESIDENT OF KAMALABORIAGOAN
JAIL ROAD
DIST- JORHAT

7: KUTUBUDDIN AHMED
AGED ABOUT 61 YEARS
SON OF MANIRUDDIN AHMED
RESIDENT OF NO.1 SENCHOWAGOAN
JAIL ROAD
DIST- JORHAT

8: ABDUL LATIF
AGED ABOUT 39 YEARS
SON OF NAZIR ALI
RESIDENT OF KAKOJAN BONGOAN
KAKOJAN
DIST- JORHAT

9: REHANA BEGUM
AGED ABOUT 56 YEARS
DAUGHTER OF ROJOTUDDIN AHMED
RESIDENT OF H/NO. 87
NEAR BONGOANALI CHUBURI
DIST- JORHAT

10: KUTUBUDDIN AHMED
AGED ABOUT 50 YEARS
SON OF MAKBUL ALI

RESIDENT OF H/NO. 87
NEAR BONGOANALI CHUBURI
DIST- JORHAT

11: NAZMIN YASMIN BORBHUYA
AGED ABOUT 25 YEARS
DAUGHTER OF ABDUR RAHIM BORBHUYA
RESIDENT OF H/NO. 87
NEAR BONGOANALI CHUBURI
DIST- JORHAT

12: MOHAMMED KAMAL WARIS
AGED ABOUT YEARS
SON OF MOHAMMED IBRAHIM ALI
RESIDENT OF HEMLAIGOAN
NAKACHARI

13: REHENA KHANAM
AGED ABOUT 56 YEARS
DAUGHTER OF MOHAMMED BAHARUL
RESIDENT OF HEMLAIGOAN
NAKACHARI
DIST- JORHAT

14: JULEKHA BEGUM
AGED ABOUT 51 YEARS
DAUGHTER OF SAFIULLAH
RESIDENT OF 264
BAGHMORIAGOAN DAHIKHORGOAN
DIST- JORHAT

15: GIASUDDIN AHMED
AGED ABOUT 60 YEARS
SON OF MAHAMOD ALI
RESIDENT OF BAGHMORIAGOAN
DIST- JORHAT

16: JEWEL HUSSAIN
AGED ABOUT 64 YEARS
SON OF ABDUL MONOF
RESIDENT OF NEW DAHIKHUR MUSLIMGAON DAHIKHORGAON
DIST- JORHAT

17: HAFIZUDDIN AHMED
AGED ABOUT 63 YEARS
SON OF TOMIZUDDIN AHMED
RESIDENT OF 70
ARANDHARAGAON
KAKOJAN
DIST- JORHAT

18: MOHAMMED NEKIBUDDIN
AGED ABOUT 62 YEARS
SON OF TOMIZUDDIN AHMED
RESIDENT OF H/NO. 16
ARANDHORAGOAN KAKOJAN
DIST- JORHAT

19: MD. ABDUL MOTIN
AGED ABOUT 48 YEARS
SON OF MD. DALILATUDDIN
RESIDENT OF ARONDHARAGOAN
KAKOJAN
DIST- JORHAT

20: ZAMILA BEGUM
AGED ABOUT 41 YEARS
DAUGHTER OF MUHIBUL HUSSAIN
RESIDENT OF AROANDHARAGOAN
KAKOJAN
DIST- JORHAT

21: MOINUL HUSSAIN
AGED ABOUT 24 YEARS
SON OF DOLILOTUDDIN AHMED
RESIDENT OF ARANDHARAGOAN
KAKOJAN
DIST- JORHAT

22: IQBAL ISLAM
AGED ABOUT 61 YEARS
SON OF ABDUL QUDDUS
RESIDENT OF BASIC ROAD
TITABOR TINALI
BEBEJIAGOAN
DIST- JORHAT

23: TOHIBUN NESSA
AGED ABOUT 56 YEARS
DAUGHTER OF MUBARAK ALI
RESIDENT OF H/NO.168A
RONGAMATI KAIBARTTA GOAN
RONGAMATI
DIST- JORHAT

24: NAFSA BEGUM
AGED ABOUT 63 YEARS
DAUGHTER OF DERAJAT UDDIN AHMED
RESIDENT OF BASIC ROAD
TITABOR TINALI
BEBEJIAGOAN
DIST- JORHAT

25: TAHIR ALI
AGED ABOUT 57 YEARS
SON OF MUBROK ALI
RESIDENT OF CHERELIPATHAR GOAN RAJABAHAR
BORHOLLA
DIST- JORHAT

26: MOHAMMED MOTIUR ROHMAN
AGED ABOUT 71 YEARS
SON OF MOHAMMED ALI BORA

RESIDENT OF SAMANNAY PATH
LICHUBARI
NEAR BSNL OFFICE
DIST- JORHAT

27: MIRA BEGUM
AGED ABOUT 62 YEARS
DAUGHTER OF ALLAUDDIN HEKIM
RESIDENT OF SAMANNAY PATH
LICHUBARI
DIST- JORHAT

28: MOHAMMAD PARVEZ RAHIM
AGED ABOUT 32 YEARS
SON OF MOHAMMAD MOTIUR RAHIM
RESIDENT OF SAMANNAY PATH
LICHUBARI
NEAR BSNL OFFICE
JORHAT

29: AMINA JAHAN
AGED ABOUT 53 YEARS
DAUGHTER OF FAIJUR RAHMAN
RESIDENT OF RANGPURNAGAR
BAGHCHUNG
JORHAT

30: SYED SEKHUL ISLAM
AGED ABOUT 62 YEARS
SON OF SYED ATAUR ROHMAN
RESIDENT OF LICHUBARI NURSERY PATH
TENGABARI MAJGOAN
DIST- JORHAT

31: SYED ABOU NASIM
AGED ABOUT 61 YEARS
SON OF SYED BOSIRUL HUSSAIN
RESIDENT OF ISBT SONALI JAYANTINAGAR
JORHAT EAST
JORHAT

32: SYEDA MURSHIDA AHMED

AGED ABOUT 55 YEARS
DAUGHTER OF SYED SAEEDUR ROHMAN
RESIDENT OF TENGABARI
NEAR SEED CORPORATION OFFICE MAJGOAN. DIST- JORHAT

33: SYEDA NASRIN KABIR
AGED ABOUT 51 YEARS
DAUGHTER OF SYED AHMED KABIR
RESIDENT OF SONALI JAYANTINAGAR JORHAT EAST
JORHAT

34: KAMARUL ISLAM
AGED ABOUT 64 YEARS
SON OF HOBIBUR RAHMAN
RESIDENT OF KAKOJAN MAJGOAN
DIST- JORHAT

35: SYED SAMSUR RAHMAN
AGED ABOUT 64 YEARS
SON OF SYED BOZLUR ROHMAN
RESIDENT OF RONGPURNAGAR
DIST- JORHAT

36: MUBAROK ALI
AGED ABOUT 31 YEARS
SON OF SUMSUL ALI
RESIDENT OF DEFLATING TEA ESTATE
TITABAR. DST- JORHAT

37: SYED MUBIDUR REHMAN
AGED ABOUT 64 YEARS
SON OF SYED SUMSUL HUDDA
RESIDENT OF AT ROAD
KAKOJAN
DST- JORHAT

38: SYEDA MUSLIMA KHATUN
AGED ABOUT 54 YEARS
DAUGHTER OF SYED MAHMMED ISMAIL
RESIDENT OF AT ROAD
KAKOJAN
DIST- JORHAT

39: MOHAMMED RIZAUL HUSSAIN
AGED ABOUT 69 YEARS
SON OF EMADUDDIN AHMED
RESIDENT OF H/NO.77
TITABAR TINALI
DIST- JORHAT

40: MAHMUDA KHATOON
AGED ABOUT 72 YEARS
DAUGHTER OF FIRDUS AHMED

RESIDENT OF WARD NO.2
TITABORNA-ALI
DIST- JORHAT

41: IMRAN ALI
AGED ABOUT 57 YEARS
SON OF AYUB ALI
RESIDENT OF HOLDING NO. 73
WARD NO.1
RAJAMAIDAM NEW COLONY
DIST- JORHAT

42: AMINA BEGUM
AGED ABOUT 50 YEARS
DAUGHTER OF MOHAMMAD SAHABUDDIN
RESIDENT OF RAJAMAIDAM NEW COLONY
WARD NO.1
DIST- JORHAT

43: SADIKA SHREEN
AGED ABOUT 24 YEARS
DAUGHTER OF IMRAN ALI
RESIDENT OF RAJAMAIDAM NEW COLONY
WARD NO.1
DIST- JORHAT

44: EHETESHAM ZEESHAN
AGED ABOUT 20 YEARS
SON OF IMRAN ALI
RESIDENT OF RAJAMAIDAM NEW COLONY
DIST- JORHAT

45: NOOR RAHMAN
AGED ABOUT 62 YEARS
SON OF JAMAL UDDIN RAHMAN
RESIDENT OF LAHDOIGARH CHARALI
LAHDOIGARH
DIST- JORHAT

46: ANOWARA BEGUM
AGED ABOUT 68 YEARS
DAUGHTER OF FAIZUTDDIN AHMED
RESIDENT OF LAHDOIGARH CHARALI
LAHDOIGARH
DIST- JORHAT

47: ABDUL MATLIB BORBORA
AGED ABOUT 67 YEARS

SON OF SAHJALAL BORBORA
RESIDENT OF H/NO. 139
NH-37 KAKOJAN BAMKUKURACHARALI
DIST- JORHAT

48: SAHAJATDIN AHMED
AGED ABOUT 61 YEARS
SON OF ABDUL RAHMAN
RESIDENT OF LAHDOIGARH CHARIALI SORUMONA PORIA
DIST- JORHAT

49: ASHAD ALI AHMED
AGED ABOUT 60 YEARS
SON OF KUDUROTDDIN AHMED
RESIDENT OF 16
KAKOJAN PURANI GAON
KAKOJAN
DIST- JORHAT

50: MONIKA BEGUM
AGED ABOUT 49 YEARS
DAUGHTER OF ABDUL KASHIM
RESIDENT OF 16
KAMARKHATUAL PURANI GOAN
KAKOJAN
DIST- JORHAT

51: SABERA SULTANA
AGED ABOUT 47 YEARS
DAUGHTER OF ABU SAYED AHMED
RESIDENT OF LAHDOIGARH CHARALI
LAHDOIGARH
DIST- JORHAT

52: MAHMMAD NASIM AHMED
AGED ABOUT 49 YEARS
SON OF MAHMMAD ASLAM AHMED
RESIDENT OF RAJAMOIDAM NETAJI COLONY
DIST- JORHAT

53: JUNEMAI BIBI
AGED ABOUT 37 YEARS
DAUGHTER OF ABDUL BARIK
RESIDENT OF RAJA MAIDAM ROAD NETAJI COLONY
DIST- JORHAT

54: MUKHTAR AHMED
AGED ABOUT 53 YEARS

SON OF ASLAM AHMED
RESIDENT OF 253
RAJAMAIDAM ROAD
NETAJI COLONY
DIST- JORHAT

55: AISA BEGUM
AGED ABOUT 56 YEARS
DAUGHTER OF MOHD MONJUR
RESIDENT OF 3
RAJAMAIDAM
WARD NO.4 NETAJI COLONY
DIST- JORHAT

56: HAFIZUR ROHMAN
AGED ABOUT 62 YEARS
SON OF LATIFUL ROHMAN
RESIDENT OF ALI CHUBURI GOAN
BONGOAN KAKOJAN
DST- JORHAT

57: SAHIDUR ROHMAN SAIKIA
AGED ABOUT 65 YEARS
SON OF KHALNUR ALI SAIKIA
RESIDENT OF DAW GOAN BHARALOWA SONARI
KAKOJAN
DIST- JORHAT

58: HIRAMAI BEGUM
AGED ABOUT 62 YEARS
DAUGHTER OF HAFIZUR RAHMAN
RESIDENT OF DA GOAN
KAKOJAN
DIST- JORHAT

59: MOSFIKA BEGUM
AGED ABOUT 52 YEARS
DAUGHTER OF MOHAMMAD MOFIJUDDIN
RESIDENT OF 20
KAKOJAN ALI CHUBURI
BONGAON KAKOJAN
DIST- JORHAT

60: MOMINA KHATOON
AGED ABOUT 65 YEARS
DAUGHTER OF NAZIMUDDIN AHMED
RESIDENT OF DEBERAPAR GOAN
GOHAINBARI NAKACHARI

DIST- JORHAT

61: GIASUDDIN AHMED
AGED ABOUT 55 YEARS
SON OF FAIZUTDDIN AHMED
RESIDENT OF LAHDOIGARH CHARALI
LAHDOIGARH
DIST- JORHAT

62: REEMA HAZARIKA
AGED ABOUT 51 YEARS
DAUGHTER OF AFTABUDDIN HAZARIKA
RESIDENT OF LAHDOIGARH CHARALI
LAHDOIGARH
DIST- JORHAT

63: SAHAJAT DIN AHMED
AGED ABOUT 61 YEARS
SON ABOUT FAZLITDIN AHMED
RESIDENT OF AT ROAD
LAHDOIGARH CHARIALI
LAHDOIGARH
DIST- JORHAT

64: SYED KHALILUR ROHMAN
AGED ABOUT 68 YEARS
SON OF AZIZUR RAHMAN AT ROAD MUDOIJAN MUSLIM GOAN
MUDOIJAN
DIST- JORHAT

65: ABDUL KALAM
AGED ABOUT 45 YEARS
SON OF ABDUR ROSHID
RESIDENT OF GANDHI NAGAR MORIANI GRANT
MORIANI DIST- JORHAT

66: ABDUS SALAM
AGED ABOUT 50 YEARS
SON OF ABDUR RASHID
RESIDENT OF DAKSHINKUL
WARD NO. 7
GP OFFICE ROAD
DIST- JORHAT

67: SYED ABDUL GAFFAR
AGED ABOUT 64 YEARS
SON OF ABDUL KHALIQUE SYED
RESIDENT OF KAKOJAN DEWAN GAON

H/NO.42
KAKOJAN
DIST- JORHAT

68: SYEDA JENAT FARHA
AGED ABOUT 52 YEARS
DAUGHTER OF SYED OHIDUZ ZAMAN
RESIDENT OF KAKOJAN DEWAN GOAN
H/NO.42
KAKOJAN
DIST- JORHAT

69: ABBAS ALI
AGED ABOUT YEARS
SON OF MONIRUDDIN AHMED
RESIDENT OF 118
MAJGOAN KAKOJAN
DIST- JORHAT

70: QUISER ZAMAN AHMED
AGED ABOUT 41 YEARS
SON OF SALARUZ ZAMAN AHMED
RESIDENT OF OLD CIRCUIT HOUSE
OPP. VETERINARY HOSPITAL
DIST- JORHAT

71: FARHAT ZAMAN AHMED
AGED ABOUT 28 YEARS
SON OF SALARUZ ZAMAN AHMED
RESIDENT OF OLD CIRCUIT HOUSE
OPP. VETERINARY HOSPITAL
DIST- JORHAT

72: ABDUL HAQUE
AGED ABOUT 68 YEARS
SON OF MAZHAR ALI
RESIDENT OF H/NO.717
WARD NO.2
GANDHINAGAR
DIST- JORHAT

73: TURAB ALI
AGED ABOUT 52 YEARS
SON OF KAMALUDDIN ALI
RESIDENT OF DAFALATING TEA ESTATE
DIST- JORHAT

74: FAIJUN ARA BEGUM

AGED ABOUT 49 YEARS
DAUGHTER OF RICH BABA ALI
RESIDENT OF 24
LAHDOIGARH CHARIALI
LAHDOIGARH
DIST- JORHAT

75: SOFIQUL ISLAM
AGED ABOUT 60 YEARS
SON OF JAMALUDDIN AHMED
RESIDENT OF 24
LAHDOIGARH CHARIALI
LAHDOIGARH
DIST- JORHAT

76: NAZNEEN KHATOON
AGED ABOUT 62 YEARS
DAUGHTER OF REAZUL HAQUE
RESIDENT OF PRAGATI PATH JIRONI HOTEL KOTOKY PUKHURI BYPASS
NH-37
DIST- JORHAT

77: MD ROHIM ALI
AGED ABOUT 53 YEARS
SON OF BHEKLA SHEK
RESIDENT OF 3RD GATE MADARASSA ROAD WARD NO.3
DIST- JORHAT

78: GULENA BEGUM
AGED ABOUT 50 YEARS
DAUGHTER OF KERIMUDDIN
RESIDENT OF MADRASA ROAD
3RD GATE
WARD NO.3
DIST- JORHAT

79: MOHAMMAD RUSELL AHMED
AGED ABOUT 64 YEARS
SON OF KESIRUDDIN NEOG
RESIDENT OF TAKARUCHUK BALIGAON
J B ROAD
KOKILAMUKH
DIST- JORHAT

80: SYED ABIDUR ROHMAN
AGED ABOUT 64 YEARS
SON OF SYED ABU SAID
RESIDENT OF DEWAN GOAN

KAKOJAN
DIST- JORHAT

81: SYEDA MUSLIHA BEGUM
AGED ABOUT 48 YEARS
DAUGHTER OF SYED WAHID AHMED
RESIDENT OF H/NO.40
DEWAN GOAN KAKOJAN
DIST- JORHAT

82: SYEDA HASINA
AGED ABOUT 48 YEARS
DAUGHTER OF SYED ABUL KALAM
RESIDENT OF DEWAN GOAN
KAKOJAN
DIST- JORHAT

83: SYED TAYYEBUR
AGED ABOUT 64 YEARS
SON OF SYED SAYEEDUR RAHMAN
RESIDENT OF DEWAN GOAN
KAKOJAN
DIST- JORHAT

84: SYED MUINUL ISLAM
AGED ABOUT 63 YEARS
SON OF SYED AMINUDDIN AHMED
RESIDENT OF BURHA MASJID PATH
NEAR NAHARANI BURHA MASJID
DIST- JORHAT

85: SYEDA NAZMA BEGUM
AGED ABOUT 55 YEARS
DAUGHTER OF SYED ABDUL HALIM
RESIDENT OF BURHA MASJID PATH
NEAR NAHARANI BURHA MASJID
DIST-JORHAT

86: SYED SAKIL MAROOF
AGED ABOUT 25 YEARS
SON OF SYED MUINUL ISLAM
RESIDENT OF DEWAN GOAN PATH
DIST- JORHAT

87: SYED WAKILUR RAHMAN
AGED ABOUT 66 YEARS
SON OF AHMED HUSSAIN
RESIDENT OF BONGAON NEAR MASJID KACHARIHA TGOAN

DIST- JORHAT

88: WAHIDA HUSSAIN
AGED ABOUT 65 YEARS
DAUGHTER OF FAZAL HAQUE HAZARIKA
RESIDENT OF ABBAS NAGAR
JAIL ROAD
DIST- JORHAT

89: REHANA BANU
AGED ABOUT 58 YEARS
DAUGHTER OF HABIBUR RAHMAN
RESIDENT OF MOLOKHUBASA
DIST-JORHAT

90: KHALEDA IKRAM AHMED
AGED ABOUT 69 YEARS
DAUGHTER OF FAZAL HAZARIKA
RESIDENT OF LIGIRI PUKHURI
DIST- JORHAT

91: ATAUR RAHMAN
AGED ABOUT 61 YEARS
SON OF SAHIDUR RAHMAN
RESIDENT OF JURBARI ROAD
WARD NO.3
DERGAON
DIST- GOLAGHA

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, DEPTT. OF
MINISTRY OF MINORITY AFFAIRS, 11TH FLOOR PT. DEENDAYAL
ANTYODAYA BHAWAN, CGO COMPLEX, LODHI ROAD, NEW DELHI.PIN-
110003

2:THE CHIEF EXECUTIVE OFFICER
THE CENTRAL HAJ COMMITTEE OF INDIA
HAJ HOUSE 7-A
M.R.A MARG
MUMBAI PIN- 400001

3:THE EXECUTIVE OFFICER
ASSAM STATE HAJ COMMITTEE
DISPUR
NEAR TREASURY OFFICE
ASSAM SECRETARIAT COMPLEX

DISPUR
GUWAHATI PIN-78100

Advocate for the Petitioner : MR H K J AHMED,

Advocate for the Respondent : DY.S.G.I., GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

29.11.2024

Heard Mr. H.K.J. Ahmed, learned counsel for the petitioners. Also heard Mr. S.K. Medhi, learned CGC for the respondents.

The present writ petition has been disposed at the motion stage as proposed by the learned counsel for the parties.

The case of the petitioners as projected is that petitioners are Haj pilgrims during Haj 2023. In 2023 tender was called for chartered flight and after finalising the tender selected Haj pilgrims of Assam were asked to deposit Rs. 3,82,297/- for Haj expenditure including the air fare of the chartered flight. The learned counsel for the petitioners submits that out of Rs. 3,82,297/-, Rs. 1,54,694/- was collected as air fare of the chartered flight from Guwahati to Jeddah. However, during the boarding at Guwahati embareation pilgrims of Assam were asked to take normal passenger flight instead of international chartered flight. It is the case of the petitioners that though the Haj Committee of India had cancelled the chartered flight from Guwahati but the excess amount which was deposited by the pilgrims for the chartered flight was not refunded. The petitioners accordingly submitted various representations addressed to the Chief Executive Officer, Haj Committee of India seeking for the

refund of the excess amount which was collected from Haj pilgrims but the Haj Committee as of date has not disposed the representations nor refunded the amount to the petitioners. Being aggrieved, the present petition has been filed with the limited prayer to direct the Haj Committee of India to dispose the representations submitted by the petitioners in accordance with section-42 of the Haj Committee Act, 2002.

The learned counsel for the parties are in unanimity that the present writ petition can be disposed of, with the direction to the Haj Committee of India to dispose of the representations accordance with section-42 of the Haj Committee Act, 2002.

In the light of the submissions made by the learned counsel for the parties, this Court proposes to dispose of the writ petition with a direction to the respondent No. 2 to dispose the representations submitted by the petitioners strictly in the light of the provisions contain in section-42 of the Haj Committee Act, 2002. Accordingly, the respondent No. 2 shall dispose the representations submitted by the petitioners by speaking order after hearing the petitioners and by adhering to the mandate of section-42 of the Haj Committee Act, 2002. All exercise for compliance of this order shall be completed within a period 90(ninety) days from the day of passing of this order.

Accordingly, the Writ petition stands disposed.

JUDGE

Comparing Assistant